

**TOWN OF ELSMERE
COUNCIL MEETING MINUTES
March 8, 2012
COUNCIL CHAMBERS
6:30 p.m.**

CALL TO ORDER: Mayor Deborah A. Norkavage called the meeting to order at 6:30 p.m.

PLEDGE OF ALLEGIANCE:

At this time there was a moment of silence in remembrance of Councilman Edward Olga.

ROLL CALL:

MAYOR	DEBORAH A. NORKAVAGE	PRESENT
1 ST DISTRICT	JOHN JAREMCHUK, JR.	PRESENT
2 ND DISTRICT	STEVEN BURG	PRESENT
3 RD DISTRICT	ROBERT KACPERSKI	PRESENT
4 TH DISTRICT	CHARLES MCKEWEN	PRESENT
5 TH DISTRICT	JOANN I. PERSONTI	PRESENT
6 TH DISTRICT	VACANT	

Town Solicitor, Edward McNally – Present

Town Manager, John Giles – Present

Chief of Police, Laura Giles – Present

PUBLIC COMMENT:

Robert Swain of 115 Northern Avenue spoke regarding Ordinance 549 stating that he believes that this ordinance will extend a code that already exists for commercial properties and apply it to residential properties. He indicated that if you go to any parking compound within the Town there are portions that are made entirely of crushed stone or gravel. He stated that being able to use these materials for driveways and parking areas allows for several things; it allows the resident to create a parking area without create drainage or runoff problems and would not require a variance because he believes that it should not count as lot coverage and would allow for off street parking that the resident does not currently have and that this type of material be allowed in rear or side yards but not front yards.

APPROVAL OF MINUTES:

ACTION: A motion was made by Councilwoman Personti to approve the minutes of the February 9, 2012 Council meeting with 1 correction, on Page 7 the date of the 5th District Meeting should be March 28, 2012 not March 29, 2012. The motion was seconded by Mayor Norkavage.

VOTE: 6-0 with 1 Vacant All-in-Favor Motion carried

OLD BUSINESS:

Consideration for Third and Final reading of Ordinance 545.

ACTION: A motion was made by Councilwoman Personti to consider Ordinance 545 for Third and Final reading. The motion was seconded by Councilman Jaremchuk.

Councilwoman Personti described the purpose of the ordinance indicating that it would allow the Town to waive the application fee for a payment plan for property taxes at the time of application, however, should the applicant fail to meet any condition of the plan the fee would then be assessed at that time.

VOTE: 6-0 with 1 Vacant All-in-Favor Motion carried

NEW BUSINESS:

Consideration for First and Second reading of Ordinance 546.

ACTION: A motion was made by Councilman Burg to consider Ordinance 546 for First and Second reading. The motion was seconded by Councilman Jaremchuk.

Councilman Burg gave an overview of Ordinance 546.

Councilwoman Personti asked if this ordinance would only apply to businesses and not residents.

Councilman Burg stated that this would apply only to Used Car Lots.

VOTE: 6-0 with 1 Vacant All-in-Favor Motion carried

Consideration for First and Second reading of Ordinance 547.

ACTION: A motion was made by Councilman Burg to consider Ordinance 547 for First and Second reading. The motion was seconded by Councilman Jaremchuk.

Councilman Burg gave an overview of Ordinance 547.

VOTE: 6-0 with 1 Vacant All-in-Favor Motion carried

Consideration for First and Second reading of Ordinance 548.

ACTION: A motion was made by Councilman Burg to consider Ordinance 548 for First and Second reading. The motion was seconded by Councilman Jaremchuk.

Councilman Burg gave an overview of Ordinance 548.

VOTE: 6-0 with 1 Vacant All-in-Favor Motion carried

Consideration for First and Second reading of Ordinance 549.

ACTION: A motion was made by Councilman Burg to consider Ordinance 549 for First and Second reading. The motion was seconded by Councilman Jaremchuk.

VOTE: 5-1 with 1 Vacant All-in-Favor Motion carried

1st District – Yes, 2nd District – Yes, 3rd District – No, 4th District – Yes,
5th District – Yes, 6th District – Vacant, Mayor – Yes

Consideration for First and Second reading of Ordinance 550.

ACTION: A motion was made by Councilman Burg to consider Ordinance 550 for First and Second reading. The motion was seconded by Councilwoman Personti.

Councilman Burg asked to add Mayor Norkavage as the Co-sponsor of this ordinance.

Councilman Burg gave an overview of Ordinance 550.

Councilman Jaremchuk asked that a summons would be issued to the JP court.

Councilman Burg confirmed that this would be correct.

Councilman Kacperski asked if a lien would be placed on the business.

Town Manager John Giles stated that a summons would be issued to the JP court and that the court would assess the fines and determine how they are to be paid.

VOTE: 5-1 with 1 Vacant All-in-Favor Motion carried

1st District – Yes, 2nd District – Yes, 3rd District – No, 4th District – Yes,
5th District – Yes, 6th District – Vacant, Mayor – Yes

Consideration of Resolution 12-01.

ACTION: A motion was made by Mayor Norkavage to approve Resolution 12-01. The motion was seconded by Councilman Jaremchuk.

VOTE: 6-0 with 1 Vacant All-in-Favor Motion carried

At this time a discussion occurred regarding who would be appointed to the new committee. Town Manager John Giles asked the Council to consider who they would like to appoint to the committee as residents, who as a retired officer, a current secondary pension participant, and a Town Employee (a third resident would be appointed until an employee enrolls in the plan).

Mayor Norkavage asked for the contact information for all parties who are interested in serving on the committee as well as contact information for those who are currently serving on the committee.

Consideration of accepting a Project Agreement with the Division of Parks and Recreation, concerning the development of a Dog Park.

Town Manager John Giles announced that the Town had sought out funding for a Dog Park through the State. He stated that the money has come from DNREC for a \$50,000.00 grant and \$100,000.00 from a state agency. He further stated that should this project be accepted the Mayor and Council will be required to keep this property as a Park or petition the State Legislature to remove it.

ACTION: A motion was made by Councilman Jaremchuk to authorize the Mayor to enter into an agreement regarding Project DTF 12-142. The motion was seconded by Councilman Burg.

Mr. David Lilly commented on the remediation efforts that had taken place at the property, he wanted to make sure that the Town would keep DNREC involved during any excavation because of the contaminants in the soil.

Town Manager John Giles stated that Mr. Lilly is correct in the fact that the original remediation at the site did require DNREC Approval for any future digging, therefore, during the RFP process the Town indicated that DNREC approval was required for any excavation, we were contacted by DNREC and we have been issued a Clean Fill on the property with no digging restricts.

VOTE: 6-0 with 1 Vacant All-in-Favor Motion carried

Town Manager John Giles stated that he would like to continue with remaining agenda and then return to the next item which is the awarding of the Bids for the Dog Park Equipment and services. He stated that this will be lengthy and that there will most likely be many questions.

Council Agreed.

Consideration of the re-appointment of Mr. David Lilly to the Town's Board of Election.

ACTION: A motion was made by Councilwoman Personti to re-appoint Mr. David Lilly to the Board of Election with a Term to expire on April 10, 2014. The motion was seconded by Councilman Jaremchuk.

VOTE: 6-0 with 1 Vacant All-in-Favor Motion carried

Consideration for First and Second reading of Ordinance 551.

Town Manager John Giles announced that with the unfortunate passing of Councilman Olga the Town Council is faced with a vacancy and the date between Councilman Olga's passing and the date of the next Town election is more than 365 days. Mr. McNally has advised that due to this information the Town must hold a Special Election. The Election Ordinance must be passed prior to the election and Ordinances must be accepted at two meetings therefore it must be presented during this meeting.

Councilwoman Personti requested that should the election be required she would like to see the Swearing In Ceremony conducted on Monday, April 30, 2012 instead of the Friday evening because of a conflict which prevents the attendance of herself and Councilman Jaremchuk.

ACTION: A motion was made by Mayor Norkavage to consider Ordinance 551 for First and Second reading. The motion was seconded by Councilwoman Personti.

VOTE: 6-0 with 1 Vacant All-in-Favor Motion carried

Town Manager John Giles announced that due to the requirements of the Town Charter public notice advertising the solicitation of candidates in the election had to be made prior to the meeting and was made on the Town Website, Town Bulletin Board and in the Wilmington News Journal on Tuesday, February 28, 2012, the filing deadline is Monday, March 19, 2012 at 7:00pm.

DEPARTMENTAL REPORTS:

Code Enforcement

Town Manager John Giles presented the written report.

Finance

Town Manager John Giles presented the written report.

Councilwoman Personti asked what the current straight line percent expended is at this time.

Finance Director Joseph Schulcz stated that it is 69% of the projected 75% that should be expended at this time of year.

Public Safety

Chief Laura Giles presented the Public Safety Report.

Mayor Norkavage commended the Police Department on the life saves that they have had over the month and the job that they have done.

Chief Laura Giles stated that only one incident is not in her report. There was a shooting in the 2100 Block of Seneca Road, Detective Shelton is currently working on that case and there is not much information to give at this point due to the victims' condition. She also stated that she would like to request an executive session at the end of the meeting for the purposes of personnel matters and not to return to the public.

Councilman Jaremchuk thanked the Town Staff and the members of the Police Department for their assistance in the Funeral Arrangements for Councilman Olga and stated that it was greatly appreciated and that it meant a lot to Amy Olga.

Public Works

Town Manager John Giles presented the written report.

Town Manager

Town Manager John Giles stated that there is no written report due to the constant contact that has been kept due to the passing of Councilman Olga.

At this time a discussion occurred clarifying actions taken by the Planning Commission during their March 6th meeting.

A discussion occurred regarding the receipt of electronic council packets. It was decided to continue providing paper and electronic council packets.

Councilman Kacperski asked the status of the Street Improvement Program.

Town Manager John Giles stated that the bid packages will becoming available and will be due and opened prior to the next meeting. Therefore, the decisions regarding the award of a bid will be made during the April Council Meeting.

Consideration for funding of the proposals received in response to RFP's advertised for the Dog Park.

Town Manager John Giles read aloud the bids received for each of the eight RFP's that were advertised with regards to the construction of the new Dog Park to be located at 400 Baltimore Avenue. The following motions were made as a result of this reading.

a. RFP 12-01 Ground Covering and Landscaping

ACTION: A motion was made by Councilman Jaremchuk to award Paoli Services with the Ground Covering and Landscaping Contract as described in RFP 12-01 in the amount of \$22, 995.00. The motion was seconded by Councilman Burg.

VOTE: 6-0 with 1 Vacant All-in-Favor Motion carried

b. RFP 12-02 Fencing and Gate Installation

ACTION: A motion was made by Councilman Jaremchuk to award Bear Fencing with the Fencing and Gate Installation Contract as described in RFP 12-02 in the amount of \$5,968.00, however should they be unable to obtain the required bond the contract be awarded to Paoli Services for \$6,300.00. The motion was seconded by Councilman Burg.

VOTE: 6-0 with 1 Vacant All-in-Favor Motion carried

c. RFP 12-03 Installation of Doors for Exterior Building

ACTION: A motion was made by Councilman Jaremchuk to award DiSabatino Landscaping with the Installation of Doors for Exterior Building Contract as described in RFP 12-03 in the amount of \$2,159.00. The motion was seconded by Councilman McKewen.

VOTE: 6-0 with 1 Vacant All-in-Favor Motion carried

d. RFP 12-04 Paving and Pathways

ACTION: A motion was made by Councilman Burg to award Pearce & Moretto, Inc. with the Paving and Pathways Contract as described in RFP 12-04 in the amount of \$16,140.00. The motion was seconded by Councilman Jaremchuk.

VOTE: 6-0 with 1 Vacant All-in-Favor Motion carried

e. RFP 12-05 Water Service, Drinking Fountains and Yard Hydrants

ACTION: A motion was made by Councilman Jaremchuk to award Pearce & Moretto, Inc. with the Water Service, Drinking Fountains and Yard Hydrants Contract as described in RFP 12-05 in the amount of \$10,110.00 even though they were not the low bid due to the location of the water lines, fountains and the awarding of the Paving and Pathways Contract. The motion was seconded by Councilman Burg.

VOTE: 6-0 with 1 Vacant All-in-Favor Motion carried

f. RFP 12-06 Canine Park Equipment

ACTION: A motion was made by Councilwoman Personti to award BYO Recreation, Inc. with the Canine Park Equipment Contract as described in RFP 12-06 in the amount of \$7,839.00. The motion was seconded by Councilman McKewen.

VOTE: 6-0 with 1 Vacant All-in-Favor Motion carried

g. RFP 12-07 Parking Lot Construction

ACTION: A motion was made by Councilman Burg to award JMC Contractors, Inc. with the Parking Lot Construction Contract as described in RFP 12-07 in the amount of \$34, 444.00 plus \$45.00 per ton excavation charge. The motion was seconded by Mayor Norkavage.

VOTE: 6-0 with 1 Vacant All-in-Favor Motion carried

h. RFP 12-08 Park Benches

ACTION: A motion was made by Councilman Jaremchuk to award Dog-Gone-It Parks with the Park Benches Contract as described in RFP 12-08 in the amount of \$11,900.00. The motion was seconded by Mayor Norkavage.

VOTE: 6-0 with 1 Vacant All-in-Favor Motion carried

Town Manager John Giles clarified that while the bid amounts were awarded there are some things such as shipping and handling that will be paid from a contingency amount set aside for such things making the costs appear higher at times.

ITEMS SUBMITTED BY THE MAYOR AND COUNCIL:

District 1 – None

District 2 – None

District 3 – None

District 4 – None

District 5 – Councilwoman Personti read an email she received from New Castle County regarding Creek Maintenance along First Avenue indicating that there are properties along the creeks where the property lines go into the creeks and that New Castle County is refusing to do creek maintenance in those areas yet at the same time they indicate that the property owner is not allowed to do anything inside the creek bed. She thought that a letter to Delaware's Voice Column may be appropriate to help bring attention to this process and how creek maintenance is lacking.

District 6 – None

Mayor – None

Town Manager John Giles requested councils' approval to have the Mayor issue a proclamation recognizing the University of Delaware's Institute of Public Administration's 50th Anniversary on March 19, 2012. There were no objections.

PUBLIC COMMENT:

ADJOURNMENT:

ACTION: A motion was made by Councilwoman Personti to adjourn into an Executive Session for personnel issues of the Police Department and not to return to the public. The motion was seconded by Mayor Norkavage.

VOTE: 6-0 with 1 Vacant All-in-Favor Motion carried

These minutes summarize agenda and other issues discussed at this Council Meeting. Votes are recorded accurately. The audio tape(s) of this meeting will be available at Town Hall for a period of two years from the date these minutes are approved. The audio tapes may be reviewed at Town Hall by appointment and in accordance with the Freedom of Information Act.

DEBORAH A. NORKAVAGE
MAYOR

JOANN I. PERSONTI
SECRETARY